UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,000	09/29/2000	Adrian William Spender	GB9-2000-0096-US1	2346

			EXAMINER
25259	7590	03/01/2004	WANG, LIANG CHE A

IBM CORPORATION
3039 CORNWALLIS RD.
DEPT. T81 / B503, PO BOX 12195
REASEARCH TRIANGLE PARK, NC 27709

ART UNIT	PAPER NUMBER
2155	8

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 December 2003*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is

  closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

    application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-5 have been examined

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1- 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Jacobs et al., US

Patent Number 6,334,114, hereinafter Jacobs.

4. Referring to claim 1, Jacobs has taught an method for managing communications

between requesters (items 202, 204, 206) and server processes (items 230, 234, 238) in a

data processing network (Figure 2) including:

creating a set of dispatcher processes (figure 2 ,items 214, 220, 226), each having

a unique dispatcher process identifier (Col 25 lines 16-18);

associating each of a set of requester processes, which communicate with a server

process via a common interpreter process having a common process identifier (Col 8

lines 57-59, Col 20 lines 24-67), with a unique dispatcher process of said set of

dispatcher processes (Col 25 lines 16-18);

for requests sent from any of said set of requester process via said common

interpreter process to server process which identifies each of said set of requester

processes using the unique dispatcher process identifier, routing said requests via the

associated dispatcher process (Col 25 lines 16-25);

at the respective dispatcher process, attaching the unique dispatcher process

identifier to the request and then forwarding the request to the server process (Col 25

lines 16-25);

responsive to receipt by the dispatcher process of a reply to said request,

forwarding the reply to the associated requester process via the common interpreter

process (Col 8 lines 60-63).

5. Referring to claim 2, Jacobs has further taught wherein the common interpreter process

via which each of said set of requester processes associated with the unique dispatcher

process communicates is a Java Virtual Machine (Col 8 lines 7-14).

6.

7. Referring to claims 4 and 5 claims 4 and 5 encompass the same scope of the invention as

that of the claim 1.   Therefore, claims 4 and 5 are rejected for the same reason as the

claim 1.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

9. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs, in

   view of Bayeh, US Patent Number 6,223,202, hereinafter Bayeh.

10. Referring to claim 2 –3, recites the limitation of a using a Java Virtual Machine including

    respective Servlet running on a Web server, and Cohen has not taught such limitation

    using Java Virtual Machine.

    However, all the claimed elements, such as JVM, Web server, Web application

    server, Servlet threads, Web browser are all well known network communication

    elements in the network communication arts. Bayeh shows a "A Web server that

    implements a Java virtual machine can be functionally extended using Java "servlets."

    (Col 2 lines 27-35), and also teaches dispatchers which communicates with web servers

    under the virtual machine environment (Col 7 lines 41-59).

    It would have been obvious to a person with ordinary skill in the art at the time

    the invention was made to modify the teaching of Jacobs such that to use a Java Virtual

    Machine including respective Servlet running on a Web server in his invention because

    Bayeh has taught a dispatcher which communicates with web servers under the virtual

    machine environment (Col 7 lines 41-59).

    A person with ordinary skill in the art would have been motivated to make the

    modification to Jacobs because having JVM running in Jacobs's system would allow the

    Java programming language to be used in Jacobs's invention, and Java is gaining a wide

    acceptance for writing Web applications, as it is a robust portable object-oriented

    language defined specifically for the web environment (Col 2 lines 1-26).

Response to Arguments

11. Applicant's arguments with respect to claims 1-5, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

13. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (703) 305-8159. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

    supervisor, Hosain T Alam can be reached on (703)308-6662. The fax phone numbers

    for the organization where this application or proceeding is assigned is (703) 872-9306

    for regular communications.

16. Any inquiry of a general nature or relating to the status of this application or proceeding

    should be directed to the receptionist whose telephone number is (703) 305-9000.

Liang-che Wang
February 23th, 2004

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER